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TRADE AND DEVELOPMENT BOARD
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Item 2(b) of the provisional agenda

POLICY ISSUES ARISING IN THE CONTEXT OF SELECTED ITEMS OF THE PROVISIONAL AGENDA FOR THE FIRST PART OF THE THIRTY-NINTH SESSION OF THE BOARD:

(b) SUSTAINABLE DEVELOPMENT INCLUDING UNCTAD'S CONTRIBUTION TO THE IMPLEMENTATION OF UNCED'S CONCLUSIONS AND RECOMMENDATIONS (ITEM 5 OF THE ABOVE-MENTIONED PROVISIONAL AGENDA; SEE ALSO FOOTNOTE TO PARAGRAPH 63 (5) OF THE CARTAGENA COMMITMENT)

UNCTAD's follow-up to the outcome of the United Nations Conference on Environment and Development

Discussion note by the UNCTAD Secretariat

1. The purpose of the present note is to assist Governments in the consideration of item 2 (b) of the agenda of the first (pre-sessional) executive session of the Board dealing with sustainable development including UNCTAD's contribution to the implementation of UNCED's conclusions and recommendations. In line with footnote 1 to paragraph 63 (5) 1/ of the Cartagena Commitment, the Board would:

(i) take full measure of the tasks - additional to those already set by the Board - devolving upon UNCTAD's intergovernmental machinery in consequence of the decisions taken at UNCTAD VIII and at UNCED, concerning sustainable development;

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(ii) establish priorities among these tasks, taking into account available resources;

(iii) determine, to the extent possible at the present time, the institutional arrangements required to address priority tasks.

The background: UNCTAD VIII and UNCED

2. The United Nations Conference on Environment and Development (UNCED), which took place in Rio de Janeiro from 3 to 14 June 1992, was the culmination of a long process of reflexion and dialogue on sustainable development issues between governments, United Nations institutions and other international organizations, academic circles, NGOs and the business community. UNCTAD was actively involved in this process.

3. UNCTAD VIII, which took place prior to the Rio Conference, offered the international community an opportunity to develop an integrated approach to the issues of environment and sustainable development. The Cartagena Commitment was the first internationally agreed text which affirmed the principle that all countries have a common but differentiated responsibility for the main environmental problems. It further affirmed that international cooperation is essential not only for the adoption of a concerted global strategy on the environment, but also to assist developing countries in implementing plans aimed at achieving sustainable development.

4. On this basis, the Cartagena Commitment reaffirmed that the UNCTAD intergovernmental machinery and the secretariat should continue to integrate the concept of sustainable development and its environmental dimension into their respective work programmes. It defined a set of orientations for the organization, the aim of which is to contribute to consensus-building on national and international policies which would make economic growth and environmental protection mutually supportive. In particular, the Conference highlighted the important role UNCTAD should play in promoting positive linkages between sustainable development, the protection of the environment and the promotion of international trade, including the generation, adoption and dissemination of environmentally sound technologies.

5. The approaches agreed at UNCTAD VIII were reflected in the principles and basic orientations contained in the decisions taken at the Rio Conference. As an illustration, the theme of the Cartagena Commitment - "a new partnership for development" - is echoed in the preamble of the Rio Declaration which calls for "a new and equitable partnership". Moreover, the Rio Declaration contains a number of principles which have important implications for UNCTAD's work. These are: Principle 4 on environmental protection and the development process; Principle 5 on the eradication of poverty; Principle 6 on the particular problems of the least developed countries and those environmentally vulnerable; Principle 9 on the technological dimension; Principle 11 on environmental standards and policies and the development process; Principle 12 on trade, the environment and sustainable development; and Principle 16 on the internalization of environmental costs.

6. In addition, the symbiotic relationships which were built up between the UNCED process and the work of UNCTAD are reflected in various parts of Agenda 21. In particular, Section I, Chapter 2, draws extensively from the Cartagena Commitment on development, trade, market access and commodity issues in general and the linkages between sustainable development and trade and between sustainable development and commodities in particular; Section I, Chapter 3, of Agenda 21 (combating poverty) develops an approach similar to the approach adopted in the Cartagena Commitment in this respect, as well as in the terms of reference of the Standing Committee on Poverty Alleviation; this cross-fertilization is also apparent in the area of environmentally sound technologies (Section IV, Chapter 34 of Agenda 21 and Part IV, C, of the Cartagena Commitment) and in the field of financial resources and mechanisms for environmental protection (Section IV, Chapter 33 of Agenda 21 and Part IV A of the Cartagena Commitment).

7. Finally, Agenda 21, Section IV, Chapter 38, on the international institutional arrangements, which singles out UNCTAD, together with UNEP and UNDP, as having an important role to play in the follow-up to the Rio Conference, states that:

> "38.26 The United Nations Conference on Trade and Development should play an important role in the implementation of Agenda 21 as extended at the eighth session of the Conference, taking into account the importance of the interrelationships between development, international trade and the environment and in accordance with its mandate in the area of sustainable development."

Orientations for UNCTAD's future work

8. Based on relevant Trade and Development Board resolutions and decisions, the Cartagena Commitment and Agenda 21, the main orientations of UNCTAD's work in this field could be summarized as follows: 2/

(a) to integrate the environmental dimension into the interrelated areas of trade, commodities, technology and finance, with a view to: (i) making international trade and environment policies mutually supportive in favour of sustainable development; (ii) fostering the sound management of natural resources, in particular through appropriate national and international commodity policies; (iii) promoting policies aimed at generating, adapting and disseminating environmentally-sound technologies; (iv) exploring ways to increase external resources for sustainable development and the environment, in particular through innovative financing mechanisms;

(b) to contribute to the elaboration of national policy frameworks or plans for sustainable development, based on a cross-sectoral approach, with a view to ensuring positive linkages between technological, sectoral and macroeconomic policies;

(c) to promote an integrated approach to poverty prevention, alleviation and reduction in the context of meeting environmental concerns and achieving sustainable development;

(d) to examine the most appropriate economic and regulatory tools and instruments required for promoting ecologically sound development without hampering the growth process at the national level, and trade expansion and competitiveness at the international level;

(e) to examine ways and means of integrating the development concerns of developing countries both in the formulation and in the implementation of internationally agreed objectives in the field of environment.

Possible institutional arrangements

9. The Cartagena Commitment, in footnote 1/ to paragraph 63 (5), provided that "in its first meeting after the United Nations Conference on Environment and Development, the Trade and Development Board will discuss the impact of its results on UNCTAD's work, and will take the necessary action to ensure the discussion and adoption of the required measures within UNCTAD's intergovernmental machinery". It remains for the executive session of the Board to provide the necessary guidelines for these institutional arrangements.

10. The discussion of this specific issue may be initiated by considering: (a) the overall shape, dimensions and components of the various tasks assigned to UNCTAD and how they should be carried out; and (b) the extent to which the terms of reference of the intergovernmental machinery of UNCTAD cover the main work areas. On the first question, the annex to the present note, to which reference has already been made, provides a compilation of the necessary elements. On the second question, it may be noted that two Standing Committees (the Standing Committee on Commodities and the Standing Committee on Poverty Alleviation) and the Ad Hoc Working Group on the Interrelationship between Investment and Transfer of Technology include the dimension of sustainable development and the environment in their respective terms of reference. 3/ It would appear for instance that certain other issues related to trade and the environment, financing, and the use of economic and regulatory tools for promoting ecologically sound development are not explicitly covered by the existing subsidiary machinery. In addition, more specific arrangements may be required for the exploration of the national dimension of sustainable development.

11. In line with the above, the following options for the consideration of sustainable development within UNCTAD could be considered:

(a) The Trade and Development Board, in addition to its broad policy function with regard to sustainable development, could deal with those issues not specifically covered by its subsidiary bodies. The work of the Board could be carried out through a sessional committee of its regular sessions.

(b) In addition, the Board might consider, as may be necessary, in accordance with paragraph 77 of the Cartagena Commitment, the establishment of an ad hoc working group to deal with those issues that are sufficiently complex to require in-depth exploration.

(c) As an alternative to the arrangements outlined in (a) and (b) above, a standing committee on sustainable development could be established to assist the Board in the effective discharge of its functions.

12. The above options assume that the Board would make periodic reports to the high-level Commission on Sustainable Development which is to be established by the General Assembly as a follow-up to the Rio Conference and which is to review the progress in the implementation of Agenda 21.

Notes

1/ See para. 9 below.

2/ The annex to the present note lists the areas and issues related to UNCTAD's work in the field of sustainable development arising from relevant Board decisions and resolutions, the Cartagena Commitment and Agenda 21.

3/ The relevant references for the terms of reference are as follows: for the Standing Committee on Commodities, para. 3 (g); for the Standing Committee on Poverty Alleviation, para. 2 (f); and for the Ad Hoc Working Group on the Interrelationship between Investment and Technology Transfer, para. 5. (See TD/B(XXXVIII)/Misc. 5).

Annex

AREAS OF WORK AND ISSUES IN THE FIELD
OF SUSTAINABLE DEVELOPMENT

General mandate:

(a) Broad orientations spelled out in paragraph 63 (5) of the Cartagena Commitment: "Work in areas requiring international cooperation to ensure that growth and development, poverty alleviation, rural development and protection of the environment are mutually-reinforcing, such as: interaction between trade issues and environmental policies; measures to promote ecologically sound development; generation and dissemination of environmentally sound technologies; impact of patterns of production and consumption on sustainable development, and follow-up, as appropriate, of UNCED's conclusions and recommendations."

(b) Paragraph 38.26 of Agenda 21: "The United Nations Conference on Trade and Development should play an important role in the implementation of Agenda 21 as extended at the eighth session of the Conference, taking into account the importance of the interrelationships between development, international trade and the environment and in accordance with its mandate in the area of sustainable development."

Areas of work and specific issues:

A. Environment and Trade (Cartagena Commitment, particularly paragraphs 42, 63 (5), 126 (d) and 151-155); Agenda 21 Chapter 2, and Rio Declaration, Principles 11 and 12):

(i) to contribute, within UNCTAD's mandate, to innovative thinking on the establishment for a framework for coexistence between environmental measures and international trade rules, and thus aiming at preventing environmental measures for protectionist purposes (Cartagena Commitment, paragraph 42) and to contribute to consensus building with regard to principles and rules (Cartagena Commitment, paragraph 154; and Agenda 21, paragraphs 2.21 and 2.22);

(ii) to collect, analyse and disseminate information on environmental regulations and measures which may have an impact on trade (Cartagena Commitment, paragraph 155; Agenda 21, paragraph 2.22 (c));

(iii) to clarify the interlinkages between trade and environment for the promotion of sustainable development (Cartagena Commitment, paragraph 154, and Agenda 21, paragraph 2.22 (b));

(iv) to analyse the impact of ongoing and future environmental deliberations, including issues having implications for international competition and trade, on the growth and development prospects of developing countries (Cartagena Commitment, paragraph 43);

(v) to ensure that the special conditions and development needs of developing countries are taken into account (Cartagena Commitment, paragraphs 152 and 153, and Agenda 21, paragraph 2.22 (g) and 39.3);

(vi) to promote a dialogue between trade, development and environmental communities (Agenda 21, paragraph 2.22 (b)).

B. Environment and Commodities (Cartagena Part IV. E; Terms of reference of Committee on Commodities; Agenda 21 ch. 2, 4, 8; Rio Declaration, Principle 16):

(i) better management of natural resources at the international level, in particular through the inclusion of environmental considerations in commodity agreements and arrangements (TDB decision 384 (XXXVII) para. 2; Cartagena 42 (iii), 190, 192; Agenda 21 2.11, 2.16);

(ii) reflection of environmental and resource costs in commodity prices and its implications for developing countries (Cartagena 208 (a); Agenda 21 2.14, 4.24, 8.31, 8.37);

(iii) increasing the competitiveness of natural products with environmental advantages (Cartagena 208 (b); Agenda 21 4.19 (c));

(iv) need to provide additional international financial and technological support to developing countries for promoting ecologically sound processes of commodity production and processing (Cartagena 208 (d));

(v) promotion of sound management of natural resources in the commodities sector combined with appropriate policies of diversification with a view to achieving compatibility of production and export needs with the sustainability of the natural resource base (Cartagena, para. 208 (c); Agenda 21 2.11, 2.14);

(vi) Exploring links between commodity policies, use and management of natural resources and sustainable development (Cartagena, para. 214).

C. Environment and financial mechanisms (Cartagena Part II.B, Part IV.A; Agenda 21 Ch. 33):

(i) ways to increase external resources for the environment through existing channels, both private (investment flows) and public (bilateral and multilateral financing institutions) (TDB decision 384 (XXXVII) para. 2; Cartagena 42 (i), 118; Agenda 21 33.16, 33.17);

(ii) ways of generating additional and innovative financing for environmental protection and development, in particular (Cartagena 42 (i), 119, 120; Agenda 21 33.18);

- various forms of debt relief, including debt conversion schemes;

- feasibility of tradable permits.

(iii) assessment of the need to alleviate external financial constraints in order to promote sustained growth and sustainable development (Cartagena 120; Agenda 21 2.24).

D. Environment and technology (Cartagena Part IV.C; Terms of reference Ad Hoc Working Group on Interrelationship between Investment and Technology Transfer; Agenda 21 Ch. 34; Rio Declaration, Principle 9):

(i) promote, facilitate and finance, as appropriate, the access to and the transfer of environmentally-sound technologies on favourable terms, including on concessional and preferential terms (TDB decision 393 (XXXVIII) para. 7; Cartagena 174; Agenda 21 34.14 (b));

(ii) formulate policies and programmes for the effective transfer of environmentally-sound technologies that are publicly owned or in the public domain and tap the pool of knowledge coming from proprietary technology available through commercial and investment channels (TDB decision 393 (XXXVIII) para. 7; Cartagena 42 (iii), 176 (c); Agenda 21 34.18 (a) and (e));

(iii) promotion of a national framework for a dynamic generation and development of environmentally-sound technologies, integrating endogeneous and external knowledge and innovation, as a basic condition for evolving towards sustainable patterns of production and consumption (Board decision 393 (XXXVIII) para. 7; Cartagena 176; Agenda 21 4.17, 4.18);

(iv) promote long-term technological partnership between holders of environmentally-sound technologies and potential users (firms or countries) (Cartagena 176 (c); Agenda 21 34.14 (e)).

E. Prevention, alleviation and reduction of poverty

Set of policies required for preventing, alleviating and reducing poverty in the context of addressing environmental concerns and achieving sustainable development (Resolution 384 (XXXVII), para. 5; Cartagena, para. 63 (5); Terms of reference of Standing Committee on Poverty Alleviation; Agenda 21 3.1, 3.5);

F. Economic and regulatory tools (Cartagena Part IV.A; Agenda 21, Ch. 8, 39; Rio Declaration, Principle 11):

(i) examine the terms and conditions on which developing countries and countries with economies in transition can resort to economic and regulatary tools for environmental protection without hampering their economic growth (Cartagena 121; Agenda 21 8.5 (f), 8.16);

(ii) harmonize these economic and regulatory tools at the international level, taking into account the specific situation and needs of developing countries (Cartagena 41; Agenda 21 39.3 (d)).

G. International environmental negotiations (Cartagena Part II.B; Agenda 21, ch. 39):

(i) assist developing countries in their preparations for on-going or future international environmental deliberations, including those concerning finance and technology, national resource management related to exports, etc. (TDB 393 (XXXVIII), para. 8; Cartagena para. 43);

(ii) identify difficulties preventing some States, in particular developing countries, from participating or duly implementing international agreements or instruments (Agenda 21 39.3 (a));

(iii) examine the ways to take into account varying circumstances through differential obligations or gradual applications (Agenda 21 39.5);

(iv) contribute to the design of specific provisions for developing countries - in particular in terms of financial and technical assistance - in order to allow them to implement international agreements or instruments (Cartagena 41, 43; Agenda 21 39.3 (c)).

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POLICY ISSUES ARISING IN THE CONTEXT OF SELECTED ITEMS OF THE PROVISIONAL AGENDA FOR THE FIRST PART OF THE THIRTY-NINTH SESSION OF THE BOARD:

(a) FOLLOW-UP TO THE RECOMMENDATIONS ADOPTED BY THE CONFERENCE AT ITS EIGHTH SESSION (ITEM 2 OF THE ABOVE-MENTIONED PROVISIONAL AGENDA)

Discussion note by the Secretary-General of UNCTAD

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Introduction

1. This note provides background information for the review by the Board of progress made in the implementation of the institutional reforms agreed to at UNCTAD VIII and presents suggestions in regard to certain outstanding issues. It also sets forth, for consideration, some options for giving effect to paragraph 60 of the Cartagena Commitment which states that:

> "Effective implementation, monitoring, and follow-up are essential for fulfilling the mandate of UNCTAD, and the necessary arrangements should be made by the Trade and Development Board in order to ensure that the outcomes of the processes described above are translated into concrete action".

Implementation of institutional reforms

2. It will be recalled that, in accordance with paragraph 87 of the Cartagena Commitment, which called upon the Board to take the necessary follow-up measures to ensure the speedy implementation of the institutional reforms decided by the Conference, the Board, by its decision 398 (XXXVIII) of 7 May 1992, established terms of reference for the four Standing Committees and the five Ad hoc Working Groups.

3. Subsequently, on 17 July 1992, the Consultations of the Secretary-General of UNCTAD endorsed the conclusions reached by representatives of States members of the Bureau of the Board on certain suggestions made by the Secretary-General. These suggestions related to the periodicity and sequencing of meetings of UNCTAD's intergovernmental organs for the period 1992-1996 as well as the elements of a work programme for the Board for the period 1992-1995, together with some additional topics for which no explicit provision was made in that programme. In effect it was agreed that the suggestions of the Secretary-General represented a good basis for drawing up a calendar for the initial meetings of the new bodies and that the proposals relating to the work programme of the Board could serve as an indicative orientation for the work programme and as a point of departure for the formulation of future agendas of the Board. The calendar for the initial meetings of the new bodies has since been established.

4. The Consultations also agreed that the secretariat issue a standard agenda for the first meeting of each of the new bodies comprising normal procedural matters and one other agenda item covering the work progamme and programme of meetings. The secretariat has given effect to this decision. In addition, the Consultations approved the calendar of meetings of the new bodies as drawn up by the Informal Group on Calendar Matters.

5. The above-mentioned action at the intergovernmental level has been complemented by a number of steps taken at the level of the secretariat. As foreseen in paragraph 80 of the Cartagena Commitment, the Secretary-General of UNCTAD has undertaken a comprehensive review of the internal organization and structure of the secretariat with the aim of enabling it to meet the requirements of UNCTAD's new work programme orientations and intergovernmental structures. If, as is hoped, the Secretary-General of the United Nations concurs in the coming week or two with the proposals made by the Secretary-General of UNCTAD, the reorganization plan could be implemented in time for the initial meetings of the new bodies.

6. The Secretary-General of UNCTAD has also addressed notes to the Governments of member States inviting them to indicate their intentions as regards membership of the new Standing Committees and Ad hoc Working Groups, as provided for in the Cartagena Commitment. Finally, documents setting forth issues relating to their respective work programmes which these bodies may wish to address at their initial meetings have also been prepared by the secretariat.

7. It may be concluded that six months after the conclusion of UNCTAD VIII, the task of implementing the institutional reforms agreed at that Conference is well advanced. In addition, progress has been registered in giving effect to the new methods of work agreed upon at the Conference. The Special Committee on Preferences was the first of the Board's subsidiary bodies to bring to bear, at its recent session, the methodology outlined in paragraphs 51-56 of the Cartagena Commitment; this effort was generally judged to be satisfactory, not least because, among other achievements, it enabled the Committee to address for the first time and to reach a consensus regarding the controversial issue of "graduation" in the application of the GSP.

8. A number of outstanding issues remain to be resolved. One concerns the membership of the new Standing Committees and Ad hoc Working Groups. The response to the Secretary-General's invitation, referred to in paragraph 6 above, has been encouraging. (Details of the prospective membership of the various bodies, as of 9 September, are contained in future TD/B/39(1)/CRP.4). The Board may, however, wish to consider ways and means of ensuring a wider and more diversified participation by member States. There seems to be more scope in particular for greater representation of developing countries, especially the least developed countries, in the work of the new bodies, particulary the Ad hoc Working Groups. In this way it will be possible, as emphasized in the Cartagena Commitment, to bring the widest possible range of national experience and empirical evidence to bear on the issues for discussion, including, in the case of the Ad hoc Working Groups, through the nomination of national experts.

9. It should be mentioned that one constraint in this regard which a number of delegations have brought to the attention of the secretariat is the unavailability of funds to cover the travel expenses of experts from capitals to participate in the Ad Hoc Working Groups. This constraint could be removed if interested donor countries were able to establish adequate trust fund arrangements for the purpose, at least for the least developed countries.

10. A second set of issues concerns the procedures of the new bodies. It is suggested that the rules of procedure of the main Committees of the Trade and Development Board (TD/B/740) should be applied to the Standing Committees and that the officers of these Committees be elected in accordance with the applicable rules of procedure, taking into account the principles of equitable geographical distribution and of rotation. It is also suggested that the rules of procedure of the Board (TD/B/16/Rev.4) should be applied as appropriate to the Ad Hoc Working Groups. As provided for in the case of main Committees of the Board, the Bureau of these Working Groups would consist of seven members (a Chairman, 5 Vice-Chairmen and a Rapporteur) elected for the duration of each Group.

11. In accordance with established practice the Secretary-General of UNCTAD will notify States, specialized agencies, regional commissions and other United Nations bodies, as well as intergovernmental organizations, of sessions of the Standing Committees and Ad Hoc Working Groups, and of the Board. As regards non-governmental organizations having status with UNCTAD (currently numbering 145), the pattern of future notifications will depend on the areas of interest of each such organization in the work of the new bodies. The secretariat will shortly circulate suggestions in this regard taking into account the recent changes in the intergovernmental structure.

12. Another issue relates to the participation of other non-governmental actors indicated in paragraph 84 of the Cartagena Commitment (including enterprises, trade unions, the academic community and non-governmental organizations other than those having status with UNCTAD) in the work of the Board and its subsidiary bodies. It is suggested that the list of persons or representatives to be invited from this category would be approved in advance by the Bureau of each body on the basis of proposals by the secretariat. It is also suggested that the participation of such invitees would be limited to the public meetings of the body concerned; upon the invitation of the presiding officer and subject to the approval of the body concerned, such invitees would be entitled to make oral and written statements. It would be understood that, owing to the current budgetary stringency, UNCTAD could not offer to bear the related costs of such participation.

13. The rules of procedure of the Trade and Development Board governing the participation of non-governmental organizations may have to be revised.

Follow-up of substantive recommendations

14. The Board may also wish to give preliminary consideration to arrangements for the monitoring and follow-up, as called for in paragraph 60 of the Cartagena Commitment, of the substantive recommendations agreed at UNCTAD VIII.

15. It is to be noted that paragraph 68 of the Cartagena Commitment provides that the Board will conduct a mid-term review and evaluation of the work programme of the intergovernmental machinery, including its own. This work programme review will naturally have to take account of the state of implementation of various substantive recommendations of UNCTAD VIII, but the above-mentioned paragraphs of the Cartagena Commitment appear to envisage the mid-term work programme review and the monitoring and follow-up exercise as two distinct processes.

16. As regards monitoring and follow-up arrangements, the Board may wish to consider the following options:

(i) The Board could undertake a comprehensive stock-taking, on the basis of documentation prepared by the secretariat, of the steps taken by the secretariat, member States and the international community (including international organizations) in response to the whole range of recommendations made by UNCTAD VIII.

(ii) For each part of the regular session of the Board session, a particular topic could be identified for inscription on the agenda under the heading "Follow-up to the recommendations of UNCTAD VIII". The purpose of this would be to undertake an in-depth review of progress in the implementation of the recommendations of the Conference concerning that topic and to consider such further action as might be required;

(iii) In its consideration of each substantive item on their agendas, the Board and its subsidiary bodies would assess the extent to which effect has been given to the relevant UNCTAD recommendations by all the entitites to which they are addressed and consider such further action as may be appropriate.

17. The Board's mid-term review of the work programme should take into account the outcomes of the monitoring and follow-up processes. As their contribution to this mid-term review, the Standing Committees should undertake a review of their respective work programmes by mid 1994; the Ad Hoc Working Groups should likewise undertake similar reviews in the context of the preparation of their final reports at the end of their two-year life span.